

MRZ 8980
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of David C. Carrithers et al. Art Unit 3622
Serial No. 09/399,597
Filed September 20, 1999
Confirmation No. 2447
For DEBIT CARD SYSTEM AND METHOD FOR
IMPLEMENTING INCENTIVE AWARD PROGRAM

November 19, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

PETITION TO CONTINUE SUSPENDED ACTION UNDER 37 C.F.R. 1.103(a)

In accordance with 37 C.F.R. 1.103(a) and MPEP 709, Applicants request an additional six (6) month suspension of further action by the Patent Office to May 21, 2005.

The present application is a continuation of U.S. Patent Nos. 5,689,100 and 5,956,695. These patents are presently involved in litigation. Applicants filed a "Petition to Suspend Action Under 37 C.F.R. 1.103(a)" on October 3, 2003 and a "Petition to Continue Suspended Action Under 37 C.F.R. 1.103(a)" on April 5, 2004. The Office communications mailed October 29, 2003 and May 21, 2004 granted Applicants' Petitions, respectively.

The Markman hearing was held in October, 2004 and Judge Perry issued a Memorandum and Order dated March 3, 2004 (a copy of which was previously submitted with the Fifth IDS). Upon a request from the Commissioner, Applicants will provide copies of any other documents relating to the litigation, subject to any protective orders.

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Applicants believe that the trial set for January, 2005 will confirm the patentability of the remaining, asserted claims of the above noted patents. Although the pending claims of the above captioned application are different than the patented claims being litigated, they are based on the same specification. The resolution of the litigation will likely reduce the issues to be considered by the Examiner with regard to the pending claims (e.g., such as priority date issues asserted by the defendants). Therefore, Applicants request an additional six (6) month suspension to May 21, 2005 at which time the trial set for January, 2005 should be completed and the status of this application and the litigation can be re-evaluated.

In accordance with 37 CFR 1.704(c)(1), Applicants acknowledge and agree to the fact that any suspension will cause a reduction in any applicable patent term adjustment under 37 CFR 1.703.

The Commissioner is hereby authorized to charge the \$130.00 fee specified in 37 CFR §1.17(h) for submission of this Petition to Deposit Account No. 19-1345.

Respectfully submitted,



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DATE: November 19, 2004 ATTORNEY DOCKET NUMBER: MRZ 8980
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Under 37 C.F.R. 1.103(a)Applicant's Name: David C. Carrithers et al.Serial No. (Control No.): 09/399,597 Examiner: Arthur D. DuranFiling Date: September 20, Art Unit: 3622
1999Application Title: DEBIT CARD SYSTEM AND METHOD FOR IMPLEMENTING
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